

Att. Dkt. No.: Stan 132CJP  
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### **REMARKS**

#### **Formal Matters**

Claims 1-2 and 4-30 were examined and rejected. Claim 4 is cancelled by this amendment.

The cancellation of Claim 4 is made without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. The applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claim 7 has been amended to further clarify the claimed invention.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein and allow Claims 1-2, 5-30, the only claims pending after entry of the amendments set forth herein.

No new matter has been added. Accordingly, the Applicants respectfully request entry of the amendments.

#### **Rejection under 35 U.S.C. §112**

Claim 4 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claim 4 has been cancelled. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **Rejection under 35 U.S.C. §102**

Claims 1,2, 4-26, 28-30 are rejected under 35 U.S.C. §102(b) as being anticipated by Kaster (US Patent No. 4,366,819). As noted above, Claim 4 has been cancelled. Regarding Claims 1,2, 5-26, 28-30, Applicants respectfully submit that all of the elements of these claims are not found in Kaster.

Independent Claims 1, 7, 14, 22 and 25, and the claims that depend therefrom, specify a first structural means having a tubular region that terminates in a lip at one end and a second structural means having a tubular region that terminates in a lip at one end. In other words, the claims specify that both structural means include a tubular region that terminates in a lip at an end of the tubular region.

In making this rejection, the Examiner indicates that tube 52 of Kaster is a first structural means and fixation ring 56 of Kaster is a second structural means. As noted above, each of these must include a tubular region that terminates in a lip at one end in order to anticipate the subject claims. Regarding a

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lip, the Examiner refers to 52g of tube 52 (for example with respect to an asserted first structural means relating to the rejection of Claims 14 and 15) and generally to FIG. 9, i.e., does not indicate a lip of fixation ring 56. Applicants respectfully submit that Kaster does not teach that tube 52 and fixation ring 56 both include a tube that terminates at a lip at one end.

For example, fixation ring 56 does not identify or otherwise indicate a tubular region that terminates in a lip at one end. First and foremost, fixation ring 56 does not include a tubular region. As noted in reference to FIG. 9, fixation ring 56 is similar to those elements previously described. Kaster describes fixation ring 16 as a circular member having a concentric central aperture, the shape being of a shallow truncated right cone having a vertex angle of substantially 120 degrees (col. 8, lines 31-36 and Fig. 1). As clearly shown in FIGS. 1 and 9, the fixation ring of Kaster merely includes an aperture for receiving tube 12 (FIG. 1) or tube 52 (FIG. 9) and does not include a tubular region. Accordingly, for at least this reason Kaster does teach all of the claimed elements. However, assuming *arguendo* that fixation ring 56 may be considered a tubular region, fixation ring 56 does not terminate in a lip at one end. In fact, there is no lip or analogous structure present about any portion of fixation ring 56, let alone at an end of the fixation ring.

Accordingly, for at least the reasons described above, Kaster does not anticipate Claims 1, 2, 5, 26, 28-30, under 35 U.S.C. §102(b). As such, the applicants respectfully request that this rejection be withdrawn.

Claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kaster in view of McClellan (US Patent No. 6,007,576).

Claim 27 depends from Independent Claim 25 which, as described above, specifies an anastomosis system having a first structural means having a tubular region that terminates in a lip at one end and a second structural means having a tubular region that terminates in a lip at one end. However, also as described above, Kaster fails to describe an anastomosis system having such structure or any analogous structure. McClellan is cited solely for teaching that an anastomosis device may be provided in a variety of sizes in order to accommodate different sizes of vessel and as such fails to make-up for the deficiencies of Kaster.

Accordingly, for at least the reasons described above, Kaster in view of McClellan fails to teach or suggest all of the limitations of Claim 27. As such, the applicants respectfully request that this rejection be withdrawn.

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USSN10/010,960**Conclusion**

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN-132CIP.

Respectfully submitted,  
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